

Stuber, Robyn

From: Brennan, Ross
Sent: Monday, March 18, 2013 9:13 AM
To: Smith, DavidW
Cc: Phillips, Laura; Lavery, Tom; Kibler, Virginia; Matuszko, Jan; Oshiro, Robin; Hair, David; Nagle, Deborah; Wood, Robert; Witt, Richard; Parikh, Pooja
Subject: David - HQ response to 12/12/12 Region 9 memo on TST

David,

Thank you for asking us to consider Eugenia McNaughton's December 12, 2012, memo on the use of EPA's 2010 *Test of Significant Toxicity* (TST) document. Both OWM and OST have concerns about the memo, which mischaracterizes some of the TST document language and endorses a whole effluent toxicity (WET) test method approach that is not approved in EPA's promulgated WET test methods (40 CFR Part 136).

While the TST document recommends analyzing the data generated from two test concentrations, it still maintains EPA's mandatory test acceptability criteria (TAC) of running WET tests with five test concentrations, consistent with EPA's promulgated test methods. A WET test method that uses only two concentrations does not meet the minimum mandatory TAC and therefore requires approval of an alternative test procedure (ATP) before deviating from an EPA test method. The WET ATP protocol is not final yet, but it is being completed by OST's Engineering and Analysis Division and will enable OST to consider such applications under the Alternative Test Procedure program.

It is particularly important to characterize the Headquarters TST document and the Part 136 WET test method requirements accurately in order to appropriately inform California's development of its toxicity policy - including assurance that test data developed under that policy are viewed as valid by complying with EPA's minimum WET test method TACs. Please let us know how you will communicate this as you work with the state.

Please let us know whether you need additional information.

Ross Brennan, Associate Chief
State and Regional Branch
Office of Wastewater Management
(202) 564-3248